

Notice of Allowability

Application No.

09/556,725

Examiner

Nga B. Nguyen

Applicant(s)

COFINO ET AL.

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on April 13, 2007.
2. ☒ The allowed claim(s) is/are 1-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on April 13, 2007, which paper has been placed of record in the file.
2. Claims 1-35 are pending in this application.

Allowable Subject Matter/Reasons for Allowance

3. Claims 1, 24 and 32 are allowed over the prior arts cited records.

The closets prior arts are:

1) Tedeschi, "New Tools Make It Easier to Find the Lowest Price", The New York Times Company, discloses e-commerce price comparison web sites. Tedeschi superficially explains that there are browser-based product search agents and price comparison web sites. The browser-based product search agents scan various shopping web sites and retrieve purchasing data for a particular product and display the purchasing data for the particular product to a shopper. The price comparison sites are independent web sites that compile retail store product data and provide a shopper with a list retail stores from which a particular product can be purchased. The shopper must then navigate to the particular retail store's web site. Unlike Applicant's invention, Tedeschi mentions nothing about e-commerce bidding or auctions, or the like, or a need for such a function to be incorporated into the existing e-commerce retail shopping or price comparison environment.

2) Ojha et al (US 6,598,026) discloses a method and apparatus for brokering transactions. The method and apparatus facilitate a transaction between a buyer and one of a plurality of sellers via the Internet. Product information relating to a plurality of products meeting product criteria specified by the buyer is presented via the Internet. One of the plurality of sellers is associated with each of the products. A first bid from the buyer for a first one of the plurality of products is made available via the Internet to a first seller associated with the first product. A first bid response is presented via the Internet to the buyer according to response criteria specified by the seller. The entire auction/bidding process is executed through a common transaction site (col. 9, lines 18-20). A buyer may only shop for (solicit bids for) products that are listed in a proprietary database (col. 9, line 37-41). If the desired product is not listed in the proprietary database, the buyer cannot use the system taught by Ojha to make a purchase. Ojha mentions nothing about price comparison web sites, or the like. Further, Ojha mentions nothing about a need for integrating the disclosed bidding/auction system with an e-commerce retail shopping or price comparison environment.

In contrast, applicant's invention recites an integrated e-commerce retail shopping and bidding method. Applicant's invention enables a shopper to shop at any online store for a particular product, while also soliciting bids for a better price of the particular product. While the shopper shops at any online store, a bidding agent residing on a server associated with the shopper's Internet Service Provider (ISP) tracks and retrieves product information related to the shoppers product of interest. The shopper

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has the option of purchasing the particular product at any online store of his choice, or soliciting bids for prices from a variety of additional retail stores.

Therefore, it is clear from the description of Tedeschi's and Ohja et al's inventions that the prior arts do not considered the possibility of: wherein the on-screen display allows the user to begin shopping in the fixed shopping mode, then initiate the auction in the dynamic shopping mode, then elect to return to shopping in the fixed shopping mode without being obligated to accept any of the bids provided in the dynamic shopping mode, but having a choice to select any of the bids provided in the dynamic shopping mode, as included in claim 1; wherein a selectable icon is displayed on the web browser such that the user has a choice to select the selectable icon to begin a bid process, or to continue shopping at the first on-line store via the product page, as included in claim 24; and displaying a selectable icon on the web browser such that the user has a choice to select the selectable icon to begin a bid process or to continue shopping at the first on-line store via the product page, as included in claim 32.

4. Claims 2-23, 25-31 and 33-35 are allowed because they are dependent claims of the allowable independents 1, 24 and 32 above, in that order.

Conclusion

5. Claims 1-35 are allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is

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(571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox Building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).

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A handwritten signature in black ink, appearing to read 'Nga Nguyen', with a stylized flourish at the end.

NGA NGUYEN
PRIMARY EXAMINER

June 20, 2007